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11 Attorneys for Defendant  
GLIMMERGLASS NETWORKS, INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 TERILOGY CO., LTD.,

16 Plaintiff,

17 v.

18 GLIMMERGLASS NETWORKS, INC.,

19 Defendant.  
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Case No. 3:08-CV-03364 EMC

**DECLARATION OF ROBERT A. LUNDY  
IN SUPPORT OF DEFENDANT'S  
REQUEST FOR JUDICIAL NOTICE AND  
MOTION TO DISMISS PURSUANT TO  
RULE 12(B)(6)**

Date: Oct. 15, 2008  
Time: 10:30 A.M.  
Dept: Courtroom C, 15th Floor  
Judge: The Honorable Edward M. Chen

Complaint Filed: July 11, 2008  
Trial Date: None Set

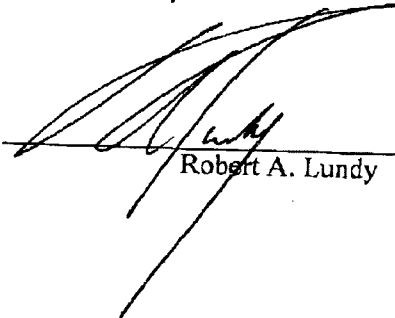
FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

1 I, Robert A. Lundy, declare:

2 1. I am the President and Chief Executive Officer at Glimmerglass Networks, Inc.  
3 ("Glimmerglass" or "Defendant"). In that capacity, I have familiarity with the Distribution  
4 Agreement ("DA") between Glimmerglass and Terilogy Co., Ltd. ("Terilogy"), that I executed on  
5 behalf of Glimmerglass on or about February 9, 2006. I submit this declaration in support of  
6 Defendant's Request for Judicial Notice and Defendant's Motion to Dismiss Defendant's  
7 Counterclaims. I have personal knowledge of the matters set forth in this declaration and, if  
8 called upon to do so, could and would testify competently as to the matters set forth herein.

9 2. Attached as Exhibit A to Defendant's Request for Judicial Notice is a true and  
10 correct copy of an exhibit to the DA entitled Exhibit B: Territory (the "Territory Exhibit"). The  
11 Territory Exhibit was included with the DA at the time of execution and is referenced directly in  
12 section 1.1 of the DA, which notes that Terilogy's distribution territory is defined in the Territory  
13 Exhibit subject to various carve-outs and reservations.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is  
15 true and correct, and that this declaration was executed at Hayward, California,  
16 on August 22, 2008.

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20 Robert A. Lundy  
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